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**BREACH OF THE CONDITIONS OF A WORK PERMIT AS
A BASIS FOR EXPULSION OF A FOREIGNER OR AN OBLIGATION
TO LEAVE THE TERRITORY OF THE REPUBLIC OF POLAND
FROM THE PERSPECTIVE OF ADMINISTRATIVE LAW AND PROCEDURE**

Performing work by a foreigner with the violation of the Act on employment promotion and labour market institutions is the basis for the decision on his/her expulsion from the territory of the Republic of Poland. This kind of decisions belongs to the so-called administrative sanctions. Proceedings in matters relating to the expulsion of foreigners and their obligation to leave the territory of the Republic of Poland are administrative proceedings to which the provisions of the Administrative Code should be applied, and thus general rules of administrative procedure provided there.

The general rules of administrative procedure are particularly important in cases in which it is difficult to take the correct decision due to complex factual or legal circumstances. Such complex circumstances, requiring special appeal to these rules, are present in cases concerning the expulsion of a foreigner or his/her obligation to leave the territory of the Republic of Poland.

The recognition of administrative liability as an objective liability to be borne by a foreigner in connection with the work performed against the Act on employment promotion is incompatible with the rule of law and the rule of objective truth - the essential directives, which the authority issuing the decision should be guided by.

According to the principle of proportionality, sanctions requiring a foreigner to leave the Polish territory should not be used in every case, regardless of the degree of non-compliance of the work performed with the Act on employment promotion.